

1 ANDRÉ BIROTTE JR.  
United States Attorney  
2 ROBERT E. DUGDALE  
Assistant United States Attorney  
3 Chief, Criminal Division  
YASIN MOHAMMAD (Cal. Bar No. 242798)  
4 Assistant United States Attorney  
General Crimes Section  
5 1200 United States Courthouse  
312 North Spring Street  
6 Los Angeles, California 90012  
Telephone: (213) 894-0649  
7 Facsimile: (213) 894-0141  
E-mail: yasin.mohammad@usdoj.gov  
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Attorneys for Plaintiff  
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 RAMIRO GIL-GUERRA,  
aka "Chato,"  
16 JUAN GABRIEL ANGULO-CABRERA,  
SERGIO MERCADO-VAZQUEZ, and  
17 JESUS ARMANDO CARDENAS-SELEM,

18 Defendants.

No. MJ 13-889-R

ORDER ON DEFENDANT GIL-GUERRA AND  
ANGULO-CABRERA'S DISCOVERY MOTION;  
DEFENDANT GIL-GUERRA'S MOTION TO  
STRIKE ALIAS; AND GOVERNMENT'S  
MOTION FOR RECIPROCAL DISCOVERY

Hearing Date: April 21, 2014

Hearing Time: 10:00 a.m.

Location: Courtroom of the  
Hon. Manuel L. Real

19  
20 UPON THE MOTIONS OF: (1) defendant Gil-Guerra to compel  
21 discovery, which co-defendant Angulo-Cabrera joined, (2) defendant  
22 Gil-Guerra to strike the alias "Chato," and (3) the government to  
23 compel reciprocal discovery, the Court has reviewed and considered  
24 the parties filings, and heard oral argument in the matter on Monday,  
25 April 21, 2014 at 11:00 a.m., and made the following findings and  
26 orders:  
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1 Motion To Strike Alias

2 With reference to the motion to strike the alias, when proof of  
3 an alias is relevant to identifying the defendant or otherwise  
4 relates to the proof of the acts charged in the indictment, it is  
5 permissible for prosecution to include it in the indictment. In this  
6 case, it is alleged that the confidential informant dealt with a man  
7 who went by "Chato" and that Gil-Guerra uses the alias "Chato." This  
8 alias relates to the acts charged in the indictment and it is,  
9 therefore, permissible for the alias to be included in the  
10 indictment.

11 If during the course of the trial, the Government is unable to  
12 prove a connection between Gil-Guerra and the alias "Chato," the  
13 alias will then be stricken and the jury given the appropriate  
14 instruction.

15 So the motion is, in that respect, DENIED.

16 Motions to Compel Discovery

17 With respect to the motion to compel discovery, defendants and  
18 the Government agree on most of the requests. And the Government  
19 represents that it is in the process of complying with most of those  
20 requests. The parties do, however, disagree with respect to a few  
21 categories of discovery.

22 With respect to information regarding the confidential informant  
23 ("CI"), the Government represents that it will most likely call him,  
24 and will provide the defense with disclosures regarding the CI under  
25 a protective order, and that has already been done. Pretrial  
26 disclosures relating to the CI that defendants request is not  
27 required if the CI testifies at trial. United States v. Valerio, 737  
28 F.Supp. 844, 846 (S.D.N.Y. 1990). The Government's proposal to

1 submit limited information regarding the CI under protective order  
2 before trial, therefore, satisfies the obligations.

3 With respect to tangible objects, the Government has produced or  
4 will produce everything defendants request with the exception of  
5 information relating to the recording devices. Gil-Guerra has not  
6 cited any authority that this evidence is required to be produced.  
7 This information would have little probative value and might  
8 undermine law enforcement techniques. It is sufficient that the  
9 defendants have copies of the recordings themselves.

10 With respect to the criminal records, this Court's order on  
11 discovery, stipulations and evidence in criminal cases requires the  
12 Government to provide defendants with a prior criminal record of  
13 defendants and a record of any felony conviction of any witness that  
14 the Government intends to call in its case-in-chief. The Government  
15 must, therefore, provide this information and has done so presently.

16 With respect to statements made by defendants, defendants'  
17 request is overbroad. The Government has produced all statements  
18 made by defendants when they were speaking with somebody they knew to  
19 be a Government agent. This is all that the law requires. United  
20 States v. Hoffman, 794 F.2d 1429, 1432 (9th Cir. 1986).

21 The Government and defendants make other miscellaneous requests,  
22 including a request by defendants that the Government preserve any  
23 evidence in its possession, and a request by the Government that  
24 defendants produce information relating to any expert witnesses they  
25 call.

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1 The parties do not appear to dispute that they are obligated to  
2 comply with each other's requests regarding these matters and,  
3 therefore, there does not appear to be any dispute on these matters  
4 which the Court must adjudicate.

5 IT IS SO ORDERED.



7 April 28, 2014

8 DATE

HONORABLE MANUEL L. REAL  
UNITED STATES DISTRICT JUDGE

9 Presented by:

10  
11 /s/

12 YASIN MOHAMMAD  
13 ASSISTANT UNITED STATES  
14 ATTORNEY  
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